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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/518,693  | 12/16/2004  | Daniele Bigiavi      | FE 6028+6088 (US)   | 3526             |
| 34872   | 7590        | 08/02/2006           | EXAMINER            |                  |
| BASELL USA INC.<br>INTELLECTUAL PROPERTY<br>912 APPLETON ROAD<br>ELKTON, MD 21921 |             |                      | BOYKIN, TERRESSA M  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1711                |                  |

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/518,693

Applicant(s)

BIGIAVI ET AL.

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-27-06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1- 29 are rejected under 35 U.S.C. 102(a, b, or e) as being anticipated by USP 5237048; USP 5380822; or USP 5691445; or EP 1201682; or GB 0894862 see abstract.**

**USP 5237048** discloses a method for purifying a polymer by extracting volatile materials contained in the molten polymer. According to the disclosure, a polymer having a very high degree of extraction of volatile materials can be obtained. The polymer obtained by the method of disclosure can meet the severe demands of the market that restricts the concentration of remaining volatile material impurities.

**USP 5380822** discloses a polymer melt may be devolatilized to less than 500, preferably less than 150 ppm of residual volatile material by injecting into the melt an amount of water greater than the amount of residual volatile material in the melt, typically not more than about 10 weight % and passing the melt through a flash

chamber devolatilizer at a pressure of 8 mm of Hg or less at a temperature of from 200.degree. to 350.degree. C.

**USP 5691445** discloses a polymer melt may be devolatilized to less than 500, preferably less than 150 ppm of residual volatile material by injecting into the melt an amount of a super critical fluid greater than the amount of residual volatile material in the melt, typically not more than about 10 weight %, and passing the melt through a flash chamber devolatilizer at a pressure of 12 mm of Hg or less at a temperature of from 200.degree. to 350.degree. C.

**EP 1201682** discloses a reaction of at least two ethylenically unsaturated monomers and conventional initiators and regulators, is performed in homogeneous phase. The reaction mixture is depressurized to form a polymer powder and the supercritical (sc) fluid is removed.

The polymer comprises at least 3 copolymerizable ethylenically unsaturated monomers, monomer(s) additionally containing further reactive functional groups. The dispersity of the binder is less than 3, and contains conventional binders, hardeners, auxiliaries and other additives; and (2) use of the powder coating in multilayer coating.

The polymer may be used in the preparation of polymers solid polymer used as powder coatings for coating industrial articles such as furnitures, exterior wall coatings, electric appliances and automotive portions.

**GB 0894862** discloses the polymerization of substituted olefins to high molecular

weight polymer employing these coordination catalysts, the polymers obtained.

Each of the references discloses a method which appears to inherently remove unreacted butene-1 or other volatile components from a polymeric solution prepared as claimed by applicants. Since the disclosed parameters, temperatures, pressures, etc., are expressed differently and thus may be distinct from those claimed, it is incumbent upon applicant(s) to establish that they are in fact different and whether such difference is unobvious. In view of the above, there appears to be no significant difference between the reference(s) and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

#### **Correspondence**

**Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
**Examiner Terressa Boykin**  
**Primary Examiner**  
**Art Unit 1711**